

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILINE DIVISION

FAIR OAKS APARTMENTS, LLC
Plaintiff,

v.

ALLIED INSURANCE COMPANY
OF AMERICA,
Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:22-cv-00065-BU

DEFENDANT’S AMENDED RULE 26(a)(2) EXPERT DISCLOSURES

Allied Insurance Company of America, (“Defendant”) hereby serves its Amended Rule 26(a)(2) Expert Disclosures, expressly reserving the right to designate additional experts at its discretion in accordance with the Federal Rules of Civil Procedure and any deadlines set by the Court.

Defendant designates the following individuals as retained testifying experts in this case:

1. David Teasdale, P.E.
Haag Engineering
1410 Lakeside Blvd., Ste. 100
Flower Mound, Texas 75028
(214) 614-6500
(214) 614-6501 – Facsimile

Mr. Teasdale is a licensed professional engineer and is a retained expert. He will testify regarding the nature, cause, and scope of damages to Plaintiffs’ property. Mr. Teasdale may also rebut opinions offered in this case by Plaintiff’s experts that fall within his areas of expertise. A description of the general substance of his opinions, observations, and conclusions will be contained in his November 17, 2022 report, which is attached as Exhibit C. His opinions are based on his October 25, 2022 inspection of the property, his photographs of the property, review of documents and materials as listed in his report, and his education, training, and experience as a forensic engineer. Mr. Teasdale’s curriculum vitae, testimony history, and fee schedule are attached as Exhibit D.

2. Randall Taylor
Shanubh Desai
West Fire Construction & Restoration, Inc.
1114 Avenue C
Katy, Texas 77493
(713) 682-2494
(713) 682-5143 – Facsimile

Mr. Taylor and Mr. Desai are repair cost estimators and contractors and are retained experts. Their opinions are reflected in their report dated November 21, 2022, which is attached as Exhibit E. Mr. Taylor and Mr. Desai may rebut opinions offered in this case by Plaintiffs' experts that fall within their areas of expertise. Mr. Taylor and Mr. Desai's opinions are based on Mr. Desai's inspection of Plaintiffs' property, their review of documents and materials as listed in their report, and their education, training, and experience in construction and estimating. Mr. Taylor and Mr. Desai may also review and opine on information and materials obtained in discovery in this case, including but not limited to deposition testimony. Mr. Taylor's curriculum vitae, testimony history, and fee schedule are attached as Exhibit F. Mr. Desai's curriculum vitae and fee schedule are attached as Exhibit G.

Defendant also designates the following non-retained expert:

1. Drew Lindemann, P.E.
Envista Forensics
111 Deer Lake, Suite 100
Deerfield, IL 60015
(888) 782-3473
(214) 551-1232

Mr. Lindemann is a licensed professional engineer and is a retained expert. He will testify regarding the nature, cause, and scope of damages to Plaintiff's property. He may also rebut opinions offered in this case by Plaintiff's experts that fall within his areas of expertise. A description of the general substance of Mr. Lindemann's opinions, observations, and conclusions is contained in Mr. Lindemann's report dated June 23, 2021, which was previously provided. These opinions are based on Mr. Lindemann's inspection of the property, photographs of the property, review of documents and materials as listed in Mr. Lindemann's report, and his education, training, and experience as an engineer. Mr. Lindemann's curriculum vitae, testimony history, and fee schedule were previously provided.

Defendant reserves the right to elicit opinion testimony, by deposition or at trial, from any other party to this litigation, either by cross-examination or by calling the party as an adverse witness, even if the party is not a party to this suit at the time of trial. This designation is not an

adoption of the opinions of any other party to this suit.

Defendant reserves the right to designate and call, by deposition or at trial, any expert witness designated by any other party to this litigation, either by cross-examination or by calling the individual as an adverse witness, even if the party designating such witness is not a party to this suit at the time of trial. This designation is not an adoption of the opinions of any witness identified by any other party, nor is it a waiver or abandonment of any *Daubert* challenges to the admissibility of opinion testimony designated by any other party.

Discovery in this matter is not yet completed, and Defendant reserves the right to seek leave to supplement this designation with additional experts within the time limits imposed by the Court or any alterations made by subsequent Court order, the rules of procedure, agreement of the parties, and/or identification of witnesses during depositions, or as a consequence of continuing discovery.

Defendant reserves the right to call undesignated rebuttal expert witnesses whose testimony cannot reasonably be foreseen until the presentation of the evidence against Defendant.

Defendant reserves the right to elicit lay opinion testimony from any witness at the time of trial which would be truthful, which would be beneficial to the jury in determining material issues of fact, and which would not violate any existing Court Order or the Federal Rules of Civil Procedure.

Defendant reserves the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial. Defendant also reserves the right to re-designate such experts as consulting experts, who cannot be called by opposing counsel.

This designation serves as a response to any and all discovery requests calling for information about testifying witnesses, including Rule 26(a)(1) Initial Disclosures and Rule 26(a)(2) Expert Disclosures.

Respectfully submitted,

/s/ Patrick M. Kemp

Patrick M. Kemp

Texas Bar No. 24043751

pkemp@smsm.com

Robert G. Wall

Texas Bar No. 24072411

rwall@smsm.com

C Daniel DiLizia

Texas Bar No. 24099800

ddilizia@smsm.com

Segal McCambridge Singer & Mahoney

100 Congress Avenue, Suite 800

Austin, Texas 78701

(512) 476-7834

(512) 476-7832 – Facsimile

**ATTORNEYS FOR DEFENDANT ALLIED
INSURANCE COMPANY OF AMERICA**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF and e-mail on this the 21st day of November, 2022 to:

Katherine C. Hairfield

Shaun W. Hodge

William L. Pratt

The Hodge Law Firm, PLLC

1301 Market Street

Galveston, Texas 77550

khairfield@hodgefirm.com

shodge@hodgefirm.com

wpratt@hodgefirm.com

/s/ Patrick M. Kemp

Patrick M. Kemp